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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 CINDY M. ESTRADA,

9 Plaintiff,

10 v.

11 ANDREW M. SAUL, Commissioner of Social  
12 Security,

13 Defendant.

CASE NO. C18-5362 RSM

ORDER OF REMAND

14 This matter is before the Court following the Ninth Circuit Court of Appeals' issuance of  
15 the mandate in Plaintiff's appeal of this Court's prior orders. Dkt. #28.

16 Plaintiff initiated this action for judicial review, under 42 U.S.C. §§ 405(g) and  
17 § 1383(c)(3), of the Commissioner of Social Security's (the "Commissioner") final decision  
18 denying her application for Title II Disability Insurance Benefits and Title XVI Supplemental  
19 Security Income benefits. Dkt. #4. The Honorable Mary Alice Theiler, United States Magistrate  
20 Judge, recommended that this Court affirm the decision of the Commissioner. Dkt. #16.  
21 Considering Plaintiff's objections to Judge Theiler's Report and Recommendation ("R&R"), the  
22 Court overruled the objections and adopted the R&R, affirming the Commissioner's decision.  
23 Dkt. #19. Plaintiff appealed. Dkt. #22.

1 On March 31, 2021, the Ninth Circuit Court of Appeals issued a memorandum decision  
2 concluding that administrative review of Plaintiff's application had not enjoyed the benefit of the  
3 Ninth Circuit's decision in *Revels v. Berryhill*, 874 F.3d 648 (9th Cir. 2017). The Ninth Circuit  
4 characterized *Revels* as "conclude[ing] that the [administrative law judge ("ALJ")] erred in  
5 rejecting a claimant's testimony where the ALJ stated that the testimony was 'undercut by the  
6 lack of "objective findings" supporting her claims of severe pain' because examinations showing  
7 mostly normal results 'are perfectly consistent with debilitating fibromyalgia.'" Dkt. #27 at 2–3  
8 (quoting *Revels*, 874 F.3d at 666). The Ninth Circuit therefore ordered that the Commissioner's  
9 prior decision be vacated and that the matter be remanded for reconsideration by the ALJ. *Id.* at  
10 3. The Ninth Circuit's mandate was issued on May 25, 2021. Dkt. #28.

11 Accordingly, this Court hereby finds and ORDERS that pursuant to sentence six of 42  
12 U.S.C. § 405(g), this matter is REMANDED for further administrative proceedings in a manner  
13 consistent with the Ninth Circuit Court of Appeals' memorandum decision.

14 Dated this 26<sup>th</sup> day of May, 2021.

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17 RICARDO S. MARTINEZ  
18 CHIEF UNITED STATES DISTRICT JUDGE  
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